

## TRADE OR COMMERCE.

REVISOR'S NOTE: This subsection presently appears as Art. 83, §38(a).

In item (3) of this subsection, the present reference to "different" persons is deleted as unnecessarily misleading.

In item (4) of this subsection, the word "service" is substituted for "product" to conform the phrase "distribution of the service or commodity" to its antecedent "processing .... of any service or commodity."

In item (6) of this subsection, the references to "goods, wares, ... supplies" are deleted as unnecessary in light of the definition of "commodity" in §11-201.

The only other changes are in style.

(B) CONDUCT NOT PROHIBITED.

THIS SECTION DOES NOT PREVENT:

(1) DIFFERENTIALS WHICH MAKE ONLY DUE ALLOWANCE FOR DIFFERENCES IN THE COST OF MANUFACTURE, SALE, OR DELIVERY RESULTING FROM THE DIFFERING METHODS OR QUANTITIES IN WHICH THE COMMODITY OR SERVICE IS SOLD OR DELIVERED TO A PURCHASER;

(2) A PERSON ENGAGED IN SELLING A COMMODITY OR SERVICE FROM SELECTING HIS OWN CUSTOMERS IN BONA FIDE TRANSACTIONS AND NOT IN RESTRAINT OF TRADE;

(3) A PERSON ENGAGED IN SELLING A COMMODITY OR SERVICE FROM GRANTING EMPLOYEE DISCOUNTS TO HIS OWN BONA FIDE EMPLOYEES;

(4) A SELLER FROM INTRODUCING EVIDENCE TO REBUT A CASE BROUGHT UNDER THIS SECTION TO SHOW THAT HIS LOWER PRICE OR THE FURNISHING OF SERVICES OR FACILITIES TO A PURCHASER WAS MADE IN GOOD FAITH TO MEET AN EQUALLY LOW PRICE OF A COMPETITOR, OR THE SERVICES OR FACILITIES FURNISHED BY A COMPETITOR; OR

(5) PRICE CHANGES, FROM TIME TO TIME, IN RESPONSE TO CHANGING CONDITIONS AFFECTING THE MARKET FOR OR THE MARKETABILITY OF A COMMODITY, WHICH CHANGING CONDITIONS INCLUDE AN ACTUAL OR IMMINENT DETERIORATION OF A PERISHABLE COMMODITY, OBSOLESCENCE OF A SEASONAL COMMODITY, DISTRESS SALES UNDER COURT PROCESS, OR SALES IN GOOD FAITH IN DISCONTINUANCE OF BUSINESS IN THE